

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-07 CIAE-00

INR-07 IO-13 NSAE-00 NSC-05 EB-07 NRC-05 OES-07

DODE-00 SS-15 PM-04 /087 W

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FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 1957

INFO USERDA HQ WASHDC

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USIAEA

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: AORG, PARM, TECH, IAEA

SUBJECT: DRAFT CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR  
MATERIALS

REF: A) IAEA VIENNA 4215, B) STATE 115861

SUMMARY: THIS MESSAGE REQUESTS FURTHER VIEWS OF DEPT  
REGARDING SOME ASPECTS OF SCENARIO OF FUTURE ACTIONS AIMED  
AT ADOPTION OF US DRAFT CONVENTION. END SUMMARY.

1. MISOFFS MET MAY 31 WITH SECRETARIAT MEMBERS MORAWIECKI,  
COORDINATORS OF AGENCY'S PHYSICAL PROTECTION ACTIVITIES,  
AND NETCHAEV AND RAINER OF LEGAL DIVISION AT THEIR REQUEST  
TO DISCUSS FUTURE PROCEDURES LEADING TO INTERNATIONAL  
CONFERENCE TO ADDRESS DRAFT CONVENTION AND, MORE SPECIFICALLY,  
ROLE AGENCY MIGHT PLAY IN EXPEDITING PROCESS. ON REQUEST,  
MISOFFS PRESENTED BACKGROUND OF INTERNATIONAL CONSULTATIONS  
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LEADING TO PRESENT TEXT, POINTING OUT OUR UNDERSTANDING  
THAT TEXT WHICH DG HAD AGREED TO CIRCULATE TOOK INTO  
ACCOUNT COMMENTS RECEIVED FROM OTHER GOVERNMENTS DURING  
THOSE CONSULTATIONS. IN PROVIDING US DRAFT TO DG IT  
WAS OUR INTENTION THAT IT BE CIRCULATED INTACT, WITHOUT  
CHANGES ON PART OF SECRETARIAT.

2. WITH REGARD TO JUNE 20-24 CONSULTATION GROUP MEETING WHICH AGENCY HAD ANNOUNCED (REF. A), MORAWIECKI STATED THAT THIS MEETING HAD BEEN CANCELLED AS CONSEQUENCE OF PRESENTATION OF US DRAFT AND TIME REQUIRED TO ALLOW FOR COMMENTS FROM MEMBER STATES. MISOFFS SUGGESTED, AND MORAWIECKI AGREED, THAT CONSULTANT'S OR EXPERT'S MEETING TO ADDRESS DRAFT AND COMMENTS RECEIVED FROM GOVERNMENTS MIGHT BEST BE HELD AROUND MID-AUGUST, PERMITTING SUFFICIENT TIME, ON ONE HAND, FOR COMMENTS TO BE RECEIVED BY SECRETARIAT AND COLLATED AND TRANSLATED FOR USE AT CONSULTANTS MEETING, AND ON THE OTHER HAND FOR CONSULTANT'S REPORT TO DG TO BE AVAILABLE SUFFICIENTLY IN ADVANCE OF GEN CONF. (SEPT 24). THIS IS BEING CONSIDERED BY SECRETARIAT.

3. WITH REGARD TO COMPOSITION OF EXPERTS GROUP, IT WAS AGREED THAT A LARGE GROUP WOULD HAVE CERTAIN SIGNIFICANT ADVANTAGES OVER THE SMALL (US/U/(SWEDEN) GROUP SECRETARIAT HAD ENVISAGED ORIGINALLY. IN PARTICULAR, LARGER GROUP OF 14-16 LEGAL/TECHNICAL/EXPERTS BROADLY REPRESENTATIVE OF BOARD MEMBERSHIP WOULD PROVIDE OPPORTUNITY FOR IMPORTANT STATES NOT AMONG 6 SUPPLIER STATES TO SURFACE COMMENTS ON US DRAFT WELL IN ADVANCE OF GEN. CONF., AVOIDING POSSIBILITY THAT US DRAFT WOULD BE SUBJECT TO DETAILED QUESTIONING AT THAT TIME OR AT FINAL STATE IN ITS ADOPTION. SCENARION WOULD THUS CONSIST OF SEVERAL STEPS WHICH WOULD ENABLE US PROGRESSIVELY TO TEST WATER RE BROADNESS OF ACCEPTABILITY OF US DRAFT. COMMENT: WE HAVE SINCE LEARNED THAT AGENCY MAY HAVE LIMITED OFFICIAL USE

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PROBLEMS, PRINCIPALLY FINANCIAL, IN HOSTING AN UNSCHEDULED MEETING OF THIS SIZE THIS SUMMER. END COMMENT.

4. ON ANOTHER ASPECT, SECRETARIAT GROUP INQUIRED WHETHER US INTENDED THAT FINAL CONFERENCE BE COMPOSED SOLELY OF STATES PARTIES TO THE IAEA STATUTE, AS EEMS TO BE IMPLIED BY ARTICLES 14-16 OF US DRAFT, OR WHETHER, IN INTERESTS OF UNIVERSALITY, NON-PARTIES SHOULD ALSO BE INVITED TO ATTEND. MISOFFS UNDERTOOK TO INQUIRE OF WASHINGTON.

5. FINAL POINT RAISED BY SECRETARIAT GROUP RELATED TO NATURE OF FINAL CONFERENCE TO FORMALLY CONSIDER ADOPTION OF DRAFT CONVENTION. THEY INQUIRED AS TO WHETHER USG FELT ITSELF COMMITTED TO QUOTE DIPLOMATIC CONFERENCE UNQUOTE OF PLENIPOTENTIARIES OR WHETHER USG WOULD CONSIDER ANY OTHER PROCEDURE WHICH WOULD ACCOMPLISH THE SAME OBJECTIVE WHILE AVOIDING SOME PITFALLS IN THE

FORMER APPROACH. IT WAS NOTED THAT FORMAL DIPLOMATIC CONFERENCES TEND TO BECOME BOGGED DOWN IN PROCEDURAL MATTERS, CREATION OF COMMITTEES, OFFICERS, ETC., WHICH LEAD TO CONSIDERABLY MORE TIME THAN ORIGINALLY ANTICIPATED. NPT ITSELF WAS OPENED FOR SIGNATURE WITHOUT RESORT TO DIPLOMATIC CONFERENCE (FINAL CONSIDERATION OF DRAFT WAS UNDERTAKEN BY UNGA).

6. RAINER POINTED OUT THAT FORUM FOR FINAL CONSIDERATION ADOPTION COULD BE WITHIN CONTEXT OF NORMAL AGENCY MEETING AND ONE SUCH POSSIBILITY WOULD BE THE GEN. CONF. WHICH WILL CONVEY IN SEPTEMBER 1978. HE UNDERTOOK TO EXPLORE OTHER PRECEDENTS WITHIN AGENCY CONTEXT WHICH, IN ADDITION TO AVOIDING PROCEDURAL COMPLICATION, MIGHT PROVE FINANCIALLY LESS BURDENSOME THAN DIPLOMATIC CONFERENCE. MISOFFS SAID HEY WOULD TAKE UP MATTER WITH DEPT.

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7. ACTION REQUESTED: WOULD WELCOME DEPT'S VIEWS ON QUESTION RAISED IN PARAS 3-5 ABOVE. LABOWITZ

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## Message Attributes

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